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A brief ACCOUNT of The Family of the GRANTS; With the Life Of Sir FRANCIS GRANT, Lord, Cullen;

Grant, F. L.
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Extracted from the

BIOGRAPHIA BRITANNICA;

A brief Account of the

FAMILY of the GRANTS, &c.

GRANT or GRAUNT, the ſurnane of a very ancient and potent family in Scotland. It is commonly believed, that the original name was Groot, and that they came from Denmark or Norway; and it is ſaid, that an old manuſcript hiſtory of that country by Vanbaſſan, ſtill extant in the Advocates library, gives countenance to this opinion (*a*); which is farther ſupported from a point of fact, that this name has long flouriſhed in that kingdom; as a proof of which it is urged, that there are two antient churches, at a ſmall diſtance from Chriſtiana, bearing the name of Grant ſoyen, *i. e.* the pariſhes of Grant (*b*). If ſo, it is moſt probable that theſe were erected by ſuch of the family as remained in that kingdom, ſince the Grants are ſuppoſed to have come over into Scotland in the very beginning of the fifth century, upon the following occaſion. The Romans, under the command of Maximus, having defeated the Scots, and killed their King Eugenius, or Ewen, and compelled the princes of the blood and nobility to take ſhelter where they could, in the weſtern iſlands, Ireland, and in Denmark, began ſoon after to oppreſs the Picts, in whoſe behalf they engaged in this war, and by whoſe aſſiſtance they had almoſt extirpated the Scots (*c*). This ſo provoked the Picts, who now found they had been fighting to eſtabliſh a power capable of depriving them of liberty, that they reſolved to be reconciled to their old foes, to preſerve themſelves from being enſlaved by their falſe friends (*d*). With this view they encouraged the broken remains of the Scots to invite Fergus, the lineal deſcendant of their old monarchs, who had gained a great reputation by his military exploits abroad, to vindicate the rights of his native country againſt the Romans, in which they promiſed to aſſiſt him. On this invitation, Fergus having collected as many of the exiled Scots as he could, and ſome Iriſh, carried over with him alſo ſome Daniſh and Norweigian gentlemen, who, out of affection to his perſon, were content to follow his fortunes (*e*). He was ſeated on the throne anno Domini 404, and with him it is ſaid came over the anceſtor of the Grants, whoſe poſterity have ever ſince flouriſhed in the North of Scotland (*f*). It is very difficult, or, to ſpeak the truth, an impracticable taſk, to trace things of this kind ſo high, with any tolerable degree of certainty; but it is a thing out of diſpute, that a very ancient family they are, and have all the authentick marks of being old Chiefs. The head of this houſe

(*a*) Niſbet's Heraldry, Vol. I. p. 427. (*b*) M. S. Memoirs of the family of Grant. (*c*) Zoſim. lib. IV. p. 74. Buchan. Hiſt. Scot. lib. IV. (*d*) Gild. de Excid. Brit. Bed. Hiſt. Eccleſ. lib. I. Buchan. Hiſt. Scot. lib. V. (*e*) Memoirs of the family of Grant. (*f*) Leſl. in Vit. Ferguſ. ii.

bears in a field, Gules, three antique crowns, Or, allluding, as is ſuppoſed, to thoſe of the nation from whom they ſprung (*a*). His creſt a burning hill proper, with two ſavages for ſupporters, with this motto, STAND SURE. Another mark of their antiquity, is their having what the old French writers call *Cri de guerre*, or Cry of war, which was *Graig ellachie*. Theſe cries in this country at leaſt, were taken from the places at which the clan aſſembled in time of war; for which purpoſe, perſons were appointed by the Chief, who carried a wooden croſs burnt at the ends, called from thence *a fiery croſs*, through all the diſtrict, inhabited by their dependants, who immediately, on ſeeing that croſs and hearing that cry, repaired to the poſt aſſigned. The antient record, ſo famous under the title of Ragman-roll, which contains the ſubmiſſions of the nobility and gentry of the beſt families in Scotland to King Edward the firſt, in 1292 (*b*), as it was then and long after glorious to England, contributes now in ſome meaſure to the honour of Scotland, as it affords the cleareſt and moſt authentic proofs of the antiquity of their families; inſomuch, that it has been deſervedly explained by a long and learned commentary of one of their moſt able Antiquaries (*c*). Amongſt thoſe of whom the ſubſcriptions are preſerved in that roll, we find Robert de Grant, who was probably the chief of his clan at this time. When King Edward thought fit, in order to eſtabliſh his power more effectually in that kingdom, to impriſon a multitude of the moſt conſiderable men, whom in 1297 he ſet at liberty upon bail, we find one John Grant among theſe, which are evidences more than ſufficient to ſhew, that there was more than one conſiderable family of this name (*d*) in theſe early times, for ſo in reſpect to ours they may well be called; which at the ſame time adds to the probability of the foregoing accounts, ſince, in thoſe days, families did not ſtart up ſuddenly into wealth and power, but acquired both property and reſpect by very ſlow degrees. In one of our antient hiſtorians, we find two of this family, Iohn Graunt and Alan Graunt, mentioned as knights, and leaders of renown in that army, which the Scots raiſed for the relief of Berwick, beſieged by King Edward the third, and Edward Baliol, anno Domini 1333 (*e*). In much latter times, we find ſuch confirmations of charters, as very clearly prove the rank and power of the family, to which it muſt have arrived gradually, and by a progreſſive accumulation of land, in a long courſe of years; ſince, though we find them often in the field, and intruſted with public offices, yet we meet with none of them mentioned as royal favourites, as great officers of State, or deriving large gifts from the Crown. Amongſt the Earl of Haddington's collections (*f*), there is a confirmation of his barony to John Grant of Freuchie, by King James the Fourth, the redendum of which ſhews, that he was then a powerful chief, ſince he is required to furniſh a well-ſupported lance, which is explained to be three ſufficeint horſemen for every diſtrict of a certain ſize, within his ſaid barony, when the King ſhould make war without

(*a*) Niſbet's Heraldry, Vol. I. p. 427. (*b*) Prynne's Hiſtory, p. 649. (*c*) Printed at the cloſe of Niſbet's Heraldry. (*d*) Rymeri Fœder. Angl. tom. II. p. 769, &c. (*e*) Walteri Hermingfordi Chronicon. Edward. III. p. 178. (*f*) See theſe Collections, p. 581.

without his realm, and to aſſemble all the defenſible perſons inhabiting within the bounds of his barony, when ſo required to do, by the royal mandate of that prince or his ſucceſſors, for the convocation of their lieges within the realm. Their marriages is another and perhaps a ſtronger proof, than any yet offered, both of their antiquity and rank; for, about the year 1095, Urſula Grant was married to Duncan the Second, King of Scotland (*a*). In 1165, Izabella Grant was married to Bancho Stuart of Lochabar. In 1335 (*b*), Patrick Grant, of Grant, married Bigla Cummine, ſole daughter of Lord Glencherruick, the only remaining nobleman of that great name, in which there had flouriſhed no fewer than fourteen diſtinct noble families but two generations before (*c*). In 1555, Sir John Grant married the lady Margery Stuart, daughter of the Earl of Athol (*d*). In 1587, Sir John Grant of Grant was married to the Lady Lilias Murray, daughter of the Earl of Tullibarden (*e*), from whom his Grace, the preſent Duke of Athol, now Lord Privy-Seal of the kingdom of Scotland, is deſcended. Theſe are at once the moſt concluſive evidences that can be had of the antiquity of any family, becauſe, in thoſe early times, unequal marriages were very uncommon, and taken in conjunction with other evidences, ſtrengthens them extremely; to which we may add the very ſituation of the country where this clan is ſeated, which correſponds ſo well with the facts before laid down, that one can ſee no juſt reaſon to ſuſpect them; and in all enquiries of this ſort, the beſt judges will allow, that evidences drawn from records and charters are infinitely preferable to private memoirs, ſubſiſting only in the hands of the families to which they belong, ſince ſuch, unleſs ſupported by teſtimonies of this kind, are frequently uncertain and always ſuſpected. But where poſſeſſions from time immemorial, honourable offices, charters of confirmation, marriage-ſettlements, and ſtate-records, concur, with an uninterrupted claim to a deſcent of a more antient date than moſt of our hiſtories, they add, if not certainty, at leaſt probability, to tradition. It is very certain, that a family of this ſurname, Grant or Graunt, was alſo ſeated very early in England; and therefore Sir George Mackenzie (*f*), who was an indefatigable enquirer into, and a very competent judge of, theſe matters, was inclined to think the family in Scotland came from them, which, however, we cannot hold probable, for reaſons that will appear hereafter. In 1229, we find Richard de Wetherſhed, the ſucceſſor of the famous Stephen Langton, in the archiepiſcopal ſee of Canterbury (*g*); but it is very certain that his true name was Grant, and, as there are ſome particulars very ſingular in his hiſtory,

(*a*) M. S. Hiſtory of the family of Grant. (*b*) Ibid. (*c*) Ibid. (*d*) Charta penes Grant. Regiſters of Parliament, 1565. (*e*) Charta in publicis Archivis. (*f*) As we find him cited in Niſbet's Heraldry, Vol. I. p. 429. (*g*) Godwin de Præſulibus, p. 89, Cambridge 1743, folio.

hiſtory, we ſhall take notice of them at the bottom of the page [*A*]. In all probability this Archbiſhop was a North-country and it is likely a Yorkſhire man, if not a native of the city of York, of which one of his name was a Bailiff or Sheriff

[*A*] *At the bottom of the page*] In the Lives of the Archbiſhops of Canterbury, publiſhed by the learned Henry Wharton, we find nothing more ſaid of this prelate than what follows (1): 'Richardus cognomento 'magnus, qui prius fuit Cancellarius Lincolnienſis, ſuc-'ceſſit & ſedit annis II. Vacavit eccleſia annis II. paſto-'re deſolata.' Archbiſhop Parker (2) alſo has preſerved the ſame name, and ſtiles him *Richardus Magnus*, though he enters at large into the hiſtory of his primacy. Ralph Higden (3) calls him Richard de Wetherſhed, the great Dean of London*, who from thence received the ſurname of *Richardus Magnus*; but, in our antient Chronicles, his name appears plainly to be *Richardus de Graunt* (4). Archbiſhop Langton died July 9, 1228, at his manor of Slindon in Suſſex (5.) Within a few days after, the Monks of Canterbury, with the King's licence, proceeded to the election of a ſucceſſor, when they made choice of Walter de Hempſham (6), or rather de Eveſham (7), one of their own body, whom the King however, upon the ſuggeſtion of ſeveral prelates, did by no means approve. Walter, however, ſet out immediately for Rome, in hopes of obliging his maſter, by the papal authority, to admit him to the poſſeſſion of the temporalities of the ſee (8.) King Henry the Third thereupon ſent the Biſhops of Coventry and Rocheſter (not of Cheſter, as in Goodwin), to repreſent to Pope Gregory the Ninth, that this man was altogether unfit for the office, being a perſon of little learning, and ſcandalous in point of morals, having had ſeveral baſtards by a nun, being the ſon of a man hanged for theft, and who had deſerved that puniſhment himſelf for his adherence to the rebels. All this, however, had ſignified little, if the two prelates had not availed themſelves of an argument much more concluſive in the court of Rome. Pope Gregory was then embarked in an open war againſt the Emperor Fredrick; and the Embaſſadors promiſed him a tenth, not on the benefices of the clergy only, but on the eſtates of the laity alſo, to be levied in all the King their maſter's dominions (9). This had it's effect; the election at Canterbury was examined by a congregation of Cardinals, declared to be upon full proof utterly null, and the right of naming to the ſtill vacant ſee devolved upon the Pope. In conſequence of this, at the ſuggeſtion of the King, his Holineſs appointed Richard de Graunt, Chancellor of Lincoln, who, as our hiſtorians tell us, was a perſon of great gravity, learning, prudence, eloquence, and probity, a ſtout maintainer of the rights of his ſee, and in his perſon tall, and of a very graceful preſence (10). He was conſecrated by Henry Biſhop of Rocheſter at Canterbury, in the preſence of the King and many of the nobility, June 10, 1229, being Trinity-Sunday (11). He did not govern the ſee long or in much quiet, for the raiſing the tenth beforementioned occaſioned great diſturbances. He held, however, a ſynod at Weſtminſter, in which ſome excellent canons were made: the wiſdom and equity of which, as his ſucceſſor, Archbiſhop Parker, tells us, ſhewed the mild diſpoſition of the man (12). Yet, upon ſome wrong done, as he conceived, to the ſee of Canterbury, by Hubert de Burgh, Earl of Kent, he complained to the King, and finding no redreſs at his hands, he had recourſe, according to the cuſtom of thoſe times, to eccleſiaſtical cenſures; and having excommunicated all who had any hand in this affair, the King excepted, he withdrew out of the kingdom and went to Rome. He was preſently followed thither by Roger de Cantelupe, or, as Matthew Paris writes, de Cantilu, the King's embaſſador. The complaints ſuggeſted by the prelate to his Holineſs were, that the whole buſineſs of his kingdom Henry tranſacted by the advice of Hubert Earl of Kent, and other noblemen of like inclinations. That this Earl Hubert had married a ſecond wife, who was very nearly related to his firſt, and had deſpoiled the ſee of Canterbury of its lands, of which he was ſtill in poſſeſſion. That many of the Biſhops, his ſuffragans, neglecting their paſtoral duty, ſat in the King's Exchequer, hearing lay cauſes, and giving judgment in matters of blood; that many of the inferior clergy held more than one living, with a cure of ſouls annexed; and being miſled by the behaviour of their prelates, intermeddled, like them, with things foreign to their profeſſions, and applied a great part of their time to the management of ſecular affairs. He therefore deſired that the Pope would interpoſe his authority, in ſupport of the diſcipline of the Church, the general amendment of manners, and the removal of thoſe grievances. The King's embaſſador, according to his inſtructions, ſuggeſted much in mitigation, and ſome things in juſtification, of the King's meaſures, and of his miniſter, Earl Hubert, which he inforced in the beſt manner he was able.

* We imagine that London is here, by miſtake, put for Lincoln; probably an error of the Preſs.

(1) Stephani Birchingtoni Vitæ Archiepiſcorum Cantaur p. 10. (2) De antiquitate Britannicæ Eccleſiæ p. 246. (3) Polychron. A. D. 1230. (4) Chronica de Mailroſs int. rerum Anglican. ſcriptor. veter. Tom. I. p. 200. Chronicon Thomæ Wikes int. Hiſtoriæ Anglican. Scriptor. Thom. Gale, Tom. II. p. 40. Annales Waverleienſes, ibid. p. 193. (5) Parkeri de Antiquitate Britannicæ Eccleſiæ, p. 245. (6) Matth. Paris Hiſt. Angl. p. 350. (7) Chron. T. Wikes, p. 40. (8) Matth. Paris Hiſt. Angl. p. 350. (9) Parker, Godwin, &c. (10) Matth. Paris Hiſt. Angl. p. 355. (11) Chronicon. T. Wikes & Nic. Triveti Annales, p. 183. (12) De Antiquitate Britannicæ Eccleſiæ, p. 246.

Sheriff the ſucceeding year; nor was he the firſt of that family who had born that office (*a*). We likewiſe find them benefactors to the abbey of St Mary (*b*), but how long this family continued, or when it extinguiſhed, in thoſe parts, we cannot determine. In the fifteenth century, there flouriſhed one Thomas Grant, an eminent divine, who was Rector of St Margaret Lothbury, in the city of London, and one of the Prebendaries of St Paul's (*c*). In the ſucceeding century, we find the learned Dr Edward Grant maſter of Weſtminſter-School (*d*), whom we have had occaſion to mention already, but of whom it is but juſt that we ſhould ſay ſomething more in this place. He was eſteemed one of the beſt claſſic ſcholars of his time, which, if we conſider how many great men flouriſhed in it, will appear no very ordinary character. He was a good Latin Poet, and excellently ſkilled in Greek; to facilitate the learning of which moſt uſeful language, he compoſed a very copious Grammar, which was afterwards contracted by his ſucceſſor, the famous Mr William Camden (*e*). This Dr Grant was not only diſtinguiſhed by his perfect knowledge of the learned languages, and by the happineſs of his method in teaching them, but alſo by his generous and diſintereſted

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(*a*) Drake's Hiſtory and Antiquities of the city of York, p. 183, 359. (*b*) See the Charter relating to that abbey in the Appendix to Drake's Hiſtory before cited, p. 619. (*c*) Newcourt's Repertorium, Vol. I. p. 100, 401. (*d*) Wood's Athen. Oxon. Vol. I. col. 310. (*e*) Lond. 1597 8vo. reprinted above 100 times.

able. But the eloquence of the Archbiſhop, his ſagacity and prudent behaviour, made ſuch an impreſſion on the Pope and the Cardinals, that he obtained all he deſired; upon which he ſet out on his return home (1). But the joy of this victory was of very ſhort continuance; he fell ſick on the third day of his journey, at a place called St Gemma, and taking up his lodgings in a houſe of Minor Canons, deceaſed there Auguſt 3, 1231, and was interred in the church belonging to the monaſtery (2). It is reported by a grave author, but the reader is not obliged on that account to believe it, that ſoon after he was interred, ſome thieves broke into the vault where his body was laid, and took it up, with an intent to deſpoil him of his ring, his mitre, and other pontifical ornaments; but they ſtuck ſo faſt to his body, that finding all their endeavours in vain, they in a great fright abandoned their ſacrilegious intent (3). We have an article of this prelate, under the name of *Richardus Magnus*, alſo in Pits, who tells us that he was, a very learned writer, and gives us the title of his Canons in the Council of Weſtminſter (4) but we meet with nothing relating to him either in Leland or Bale; and when, in the poſthumous work of the learned and accurate Biſhop Tanner, we have a reference to the Canons made in his Council of Weſtminſter (5), there ſeems to be a miſtake; for thoſe canons were not made by him, but by his predeceſſor Richard the firſt, in the year 1131, and in the reign of Henry the Second (6). The books written by our author, and remembered by Pits are theſe,

De Fide & Legibus, Lib. I. *Of Faith and Laws.* One book.

De Sacramentis, Lib. I. *Of Sacraments.* One book.

De Univerſo Corporali & Spirituali Lib. I. *Of the Corporal and Spiritual World.* One book.

After having ſaid ſo much of this great prelate, it may not be amiſs to caution the reader, that this *Richardus Magnus*, or *de Wetherſhed*, is not to be confounded with *Richard Wetherſett*, alias *Grantebrigenſis*, who is mentioned by Leland, Bale, and Pits (7), and who flouriſhed about twenty years latter than our Archbiſhop. We have taken this opportunity of reſtoring this prelate to his own name, and of giving a ſuccinct abridgment of his life from original writers, all of whom we have carefully conſulted and collated; and perhaps it would be no unacceptable preſent to the learned world, if any laborious and accurate writer would give us in Engliſh a compleat hiſtory of the lives and acts of the Archbiſhops of Canterbury, from thoſe antient and original authors already extant, which would throw new lights on ſeveral parts of our civil as well as eccleſiaſtical hiſtory, which ſeem at preſent very dark and deficient.

(1) Matth. Paris Hiſt. Angl. p. 268. (2) Chron. T. Wikes, p. 41. Annales Waverlienſes, p. 193. Dies Obituales Archiepiſcorum Cantuarienſium, apud Wharton, Tom. I. p. 57. (3) Matth. Paris Hiſt. Angl. p. 370. (4) De Illuſtribus Angliæ Scriptoribus, p. 307. (5) Bibliotheca Britannico Hibernica, p. 626. (6) Concil. M. Britain. & Hib. Vol. I. p. 474. & ſeq. (7) Jo. Lelandi Commentarii de Scriptoribus Britannicis, p. 272. Baleus de Scriptoribus, p. 436. Pits de illuſtribus Angliæ Scriptoribus, p. 307.

eſted diſpoſition, which diſcovered itſelf clearly, in his zeal for preſerving the fame, and providing for the orphan family, of the celebrated Roger Aſcham, whoſe letters he publiſhed; and, in his pathetic dedication to Queen Elizabeth, ſo effectually recommended his pupil, Giles Aſcham, to her protection, by letting the world know how much, though a Queen, ſhe ſtood obliged to his father, that he procured for him, if not a happy eſtabliſhment, at leaſt a comfortable ſubſiſtence, which without this gentleman's help, neither his father's merits or his own would have obtained (*a*). The poems of Dr Grant, for ſo he wrote his own name prefixed to ſeveral excellent pieces publiſhed in thoſe times, ſhew how much more ready he was to beſtow than to acquire praiſe, and, in truth, his modeſty in this particular was very commendable. He made way, by his reſignation in 1592, for Camden's ſucceſſion to his chair in Weſtminſter School (*b*); and having been long a Canon, became at length Subdean of that collegiate church. He deceaſed Auguſt 4, 1601 (*c*), and not in September or October, as Athony Wood has placed it (*d*), and was interred in that church: we find alſo another of the ſame name interred in the cloiſters of this abbey, in 1587, a child of five years old, and it is not improbable, the ſon of this Dr Edward Grant: the monumental inſcription being long ago worn out, the reader perhaps will not be diſpleaſed, as it is very elegant, to find it recovered and preſerved in the notes (*e*) [*B*]. We have not been able to diſcover in what part of England the family was ſettled from which theſe Grants deſcended; but we know that there was a family of this name in Hampſhire (*f*), from whom ſprung that famous citizen of London, John Grant, who, as we have ſhewn has,

(*a*) See the article of ASCHAM [ROGER] in this Dictionary. See alſo Camden's Verſes to the memory of Aſcham. (*b*) Wood's Athen. Oxon. Vol. I. col. 311. (*c*) Reges, Reginæ, Nobiles, & alii, in eccleſia collegiata B. Petri Weſtmonaſterii ſepulpti, p. 77. (*d*) Athen. Oxon. Vol. I. col. 311. (*e*) See the Hiſtories of Weſtminſter-Abbey. (*f*) Wood's Athen. Oxon. Vol. I. col. 311.

[*B*] *In the notes.*] We know not where this monument was placed, farther than that it was in the cloiſters; and the inſcription as copied by Camden, ran thus:

Hic jacet Edwardus Grantus, belliſſimus infans,
Dulce decus matris, deliciæque patris.
Quem mors ætheream citiùs tranſcripſit in vrbem
Eſſet vt Angelicus, deliciæque Deo.
Ille quidem fælix: nam paucos vixit vt annos
Sollicitæ vitæ, ſic mala pauca tulit.

In *Engliſh* thus:

Here, reader, lies interr'd a lovely boy,
His mother's deareſt pride, his father's joy.
Whom early ſnatch'd to the æthereal quire,
With kindred Angels now he tunes his lyre.
Happy in this, as little life he knew;
Of life's inherent ills he felt but few.

Beneath were theſe lines.

Thy ſweet deſire to praiſe thy God,
Thy tender love to parents *dear;*
Thy nature mild to every one,
Remains alive, though corpſe lies here.
VIVIT POST FUNERA VIRTUS.
Virtue unhurt by Death ſurvives the grave.
Obiit Januarii 2, 1587, ætatis ſuæ 5.
He died January 2, 1587, *at* five *years of age.*

That we may not appear to have beſtowed this ſon upon Dr Edward Grant without any foundation, it may not be amiſs to cloſe this note with obſerving, that he had a ſon Gabriel Grant, who in the year 1602, was preſented by Peter Tuke, Eſq; to the rectory of Layer Marney, in the archdeaconry of Colcheſter, in the dioceſe

has immortalized his memory by his excellent diſcourſe on the Bills of Mortality. But for all this, it ſeems to us more probable, that the Engliſh family derived its origin from that in Scotland, unleſs we ſhould ſuppoſe that the Engliſh as well as the Scots Grants came from Denmark or Norway, and with others of their countrymen ſettled in Cumberland, Northumberland, Yorkſhire, and other northern counties, and from thence ſpread into the heart of the kingdom. At all events, however, we cannot help rejecting Sir George Mackenzie's notion, that the Grants of Scotland derive themſelves from thoſe of England. If this had been ſo, we ſhould certainly have found them in the ſouthern or weſtern counties of Scotland, and not in the north. Beſides, they appear to have been a very potent clan before the time of the Conqueſt, when, according to ſome, the family of le Graunt came over to England (*a*), and moſt evidently before they flouriſhed at York. All circumſtances concur, in ſhewing, that from the time they came into that part of the iſland, they continued, like other great families, ſeated for the moſt part in the ſame country, and branching out into different houſes, bearing however all the ſame arms, with proper marks of diſtinction, and all acknowledging the Grants of Freuchie, or, as they are now ſtiled, the Grants of Grant, for their chief (*b*). On the other hand, we do not find any of the Engliſh Grants, though a very numerous name, who formed a permanent eſtabliſhment any where; nor are we able to trace them in ſuch a manner as to decide the queſtion, whether they deſcended from that old family, originally ſettled in the North of England, or from ſome branch of the Grants of Scotland, who removed occaſionally into the South after the Union of the two Crowns.

(*a*) See the Catologues of thoſe who came with the conqueror, in Stowe and Holinſhed. (*b*) Niſbet's Heraldry, Vol. I. p. 417.

ceſe of London and county of Eſſex (1). He became afterwards, by the preſentation of the Dean and Chapter of Weſtminſter, Rector of St Leonard's Foſter-lane (2), in 1604; and January 20, 1612, was ſeated in the tenth ſtall, as Prebendary of the Collegiate Church of Weſtminſter (3). We might have mentioned many more of this name, of whom ſome memorials are preſerved, more eſpecially in the work (4) from which theſe are taken; but that we look upon what we have done already as ſufficient for our purpoſe.

(1) Newcourt's Repertorium, Vol. II. p. 379. (2) Ibid. Vol. I. p. 394. (3) Ibid. p. 918. (4) Ibid. Vol. I. p. 676, 401, 806. Vol. II. p. 48, 389, 591, 609.

A brief Account of the Life of

Sir FRANCIS GRANT, Lord Cullen.

SIR FRANCIS GRANT, one of the Senators of the College of Juſtice, ſtiled Lord Cullen from the title of his eſtate, was of a younger branch of the Grants, though a lineal deſcendant from Sir John Grant of Grant, by the Lady Margery, or Margaret Stuart, daughter to the Earl of Athol, which family of Grant have very conſpicuouſly diſtinguiſhed themſelves in ſupport of the Proteſtant

teſtant Religion, and the principles of the Revolution [*A*]. This Francis, who is to be the ſubject of the preſent article, was born about the year 1660, and laid the foundation of his literary accompliſhments in the univerſity of Aberdeen; but being intended for the profeſſion of the Law, he was ſent to perfect his ſtudies at Leyden, under the celebrated Profeſſor Voet, who taught there with great reputation. Under him he made ſo great a proficiency, and diſtinguiſhed himſelf by ſo ſingular and ſteady an application, that many years after his return to his native country, the Profeſſor mentioned him to his pupils as one who had done honour to the univerſity, and whoſe example, in point of attention and diligence, it would become them to follow. On his coming back to Scotland, he paſſed through the tryals requiſite to his being admitted Advocate, with ſuch ſingular ſucceſs, as to attract the particular notice of Sir George Mackenzie, the then King's Advocate, one of the moſt knowing and ingenious men, as well as one of the ableſt and moſt eminent Lawyers of that age. This is the more remarkable, ſince Mr. Grant's principles, which he never diſſembled, did not correſpond at all with the maxims and meaſures of the Court at that time; but as his merit was very conſpicuous, Sir George, who was a man of the greateſt candour, gave him upon all occaſions diſtinguiſhed marks of kindneſs and eſteem. At the time of the Revolution, being twenty-eight years of age, and having made the

[*A*] *And the principles of the Revolution.*] At the time of that great event, Lodovic Grant, of Grant, Eſq; was the chief of the family. He was entirely for that meaſure, he levied a regiment of foot, which was raiſed, cloathed, and maintained at his expence, 'till put upon the eſtabliſhment by King William in 1689, who by his commiſſion appointed Colonel Lodovic Grant to command it. According to the reſolutions of the Scotch Parliament, the great expences which this gentleman had been at, were to have been repaid him; but except the honour of this reſolution, which ſhewed the ſenſe the legiſlature had of his ſervice, he never received any indemnification. His ſon Alexander Grant, Eſq; who inherited his father's principles as well as his eſtate, commanded a regiment of foot at the time of the Union, and ſerved with great reputation in Flanders, under the command of the glorious Duke of Marlborough; and, in conſequence of thoſe ſervices, was promoted to the rank of Brigadier-General and Governor of Sheerneſs. Upon the breaking out of the rebellion in 1715, he accompanied his Grace John Duke of Argyle as a volunteer, who, as a proof of his high regard for, and great confidence in the Brigadier, appointed him to command in the caſtle of Edinburgh, upon the preſervation of which ſo much at that juncture depended. Brigadier Grant, while thus employed, diſpatched his brother, then Captain, now Major Grant, northward, with orders to raiſe his clan; which, though the attempt as things were then circumſtanced was equally difficult and dangerous, he very effectually performed; and having with eight hundred men inveſted the town of Inverneſs, he was quickly joined by the Earl of Sutherland, and the late worthy Lord Preſident, then Mr Duncan Forbes of Culloden; by which eminent ſervice at ſo critical a conjuncture, a great body of highlanders were hindered from continuing their march to Perth, and the counties of Bamff, Nairn, Murray, and part of the ſhire of Inverneſs protected from all levies of men and impoſitions of money. The Brigadier however did not long ſurvive, to reap the fruits of his ſingular zeal for the government, otherwiſe in all probability he might have riſen to the higheſt ranks in the Britiſh army. He was member in the Scots Parliament for the ſhire of Elgin, when the Union took place, and was one of the forty-five members deputed from them to ſit in the firſt Parliament of Great Britain. In the ſecond parliament in 1708. he was choſen for the Shire of Inverneſs; in the third, fourth and fifth parliaments for the ſhire of Elgin; and at the time of his deceaſe, was Lord-Lieutenant of the counties of Bamff and Inverneſs. He was ſucceeded by his brother Sir James Grant, who in the ſixth and ſeventh parliaments of great-Britain, ſerved for the ſhire of Inverneſs. He was ſucceeded by his ſon Sir Lodovic, who is the preſent head of the family, who eſpouſed the Lady Margaret Ogilvy, daughter to the right honourable the Earl of Finlater and Seafield, and was very active in ſuppreſſing the rebellion of 1745, and is at preſent member for the county of Elgin.

the conſtitutional points of law his peculiar ſtudy, he made a very great figure when the Convention of Eſtates met, in order to canvaſs matters of the higheſt importance; ſuch as, whether the throne was full or vacant, and if vacant, how it was to be filled. Some of the old Lawyers, in purſuance of the principles they had long eſpouſed, argued warmly againſt thoſe upon which the Revolution had taken place in England, and particularly inſiſted on the inability of the Convention of Eſtates to make any diſpoſition of the Crown. Mr Francis Grant oppoſed theſe notions with great ſtrength and ſpirit, and publiſhed about that time a treatiſe, in which he undertook, from the principles of law, to prove, that a King might forfeit his Crown for himſelf and his deſcendants; and that in ſuch a caſe, the States had a power to diſpoſe of it, and to eſtabliſh and limit a legal ſucceſſion, concluding with the warmeſt recommendations of William Prince of Orange to the regal dignity. This work was generally read, and was believed to have had a conſiderable influence on the public reſolutions. It was certainly a very bold ſtep, and one that clearly manifeſted Mr Grant's integrity and zeal for the conſtitution, in ſupport of which, it was plain, he was determined to riſk every thing; for after ſuch an explicit declaration of his ſentiments, there was no poſſibility for him to retreat. It muſt appear not a little extraordinary, but ſo the fact really was, that this conduct recommended him to both parties in the way of his profeſſion. Thoſe who differed from him in opinion admired his courage, and were deſirous of making uſe of his abilities; as on the other hand, thoſe who were friends to the Revolution were alſo ſo to him, which brought him into great buſineſs, and procured him, by ſpecial commiſſions, frequent employment from the Crown. His character was firmly eſtabliſhed on the pillars of application and integrity. He was indefatigable in the management of buſineſs; but at the ſame time that he ſpared no pains, he would uſe no craft. He had ſo high an idea of the dignity of his profeſſion, that he held it equally criminal to neglect any honeſt means of coming at juſtice, or to make uſe of any arts to elude it. It might have been expected, that circumſtances which brought him early into full buſineſs, ſhould either have promoted him quickly to the firſt offices in the law, or at leaſt have enabled him to make a large eſtate; but they did neither. His temper was naturally calm and ſedate; he hated buſtle and intrigue; and beſides, Sir James Stuart was lord-Advocate all the time he was at the bar; and Sir Hugh Dalrymple, ſon to the famous Viſcount Stair, Lord Preſident, while he was on the bench; and their merit and ſervices too great for him to intertain ſo much as a thought of ſupplanting either. In reſpect to fortune, though he was modeſt and frugal, and had a large practice, yet he was far from being avaricious. His private charities were very conſiderable, and grew in the ſame proportion with his profits. He was beſides very ſcrupulous in many points; he would not ſuffer a juſt cauſe to be loſt through a client's want of money. He was ſuch an enemy to oppreſſion, that he never denied his aſſiſtance to ſuch as laboured under it; and with reſpect to clergy-

men of all profeſſions, his conſcience obliged him to ſerve them without a fee. He ſaw their wrongs required aſſiſtance, and he knew their circumſtances would not admit of expence. His additons therefore to his paternal eſtate were much inferior to what might have been expected, and a large acceſſion of character, was the principal produce of that activity and diligence, by which he was diſtinguiſhed at the bar. This was ſo clear and beyond exception, that her late Majeſty Queen Anne, unexpectedly, as well as without application, created him in 1705 a Baronet, her ſenſe of his ſervices being ſufficiently expreſſed in the preamble to his patent. About a year after, her Majeſty was pleaſed to appoint him one of the Judges, or, as they are ſtiled in Scotland, one of the Senators of the College of Juſtice [*B*]. His juſt title to this preferment was known to every body but himſelf, yet his high notions of the virtues and abilities requiſite in that ſtation made him endeavour to decline it, and he accepted it at laſt with great reluctance. He was from this time ſtiled Sir Francis Grant, Lord Cullen,

[*B*] *One of the Senators of the College of Juſtice.*] Our intention in this note, is to give as clear and ſuccinct an account of this ſupreme Court of Juſtice in North-Britain, and the Judges who ſit therein, as the nature of this article requires, and the bounds preſcribed will allow. Anciently, cauſes were heard in the laſt reſort, by a committee of Parliament compoſed of an incertain number, who were ſtiled Lords of Seſſion; afterwards this power devolved to the council, but Anno Dom. 1537, King James the Fifth, inſtituted a College of Juſtice, after the model of the Parliament of Paris, which was compoſed of a preſident and fourteen ordinary members, but the Chancellor might preſide there if he pleaſed, and then the preſident ſat with the reſt. This ſupreme court has been ſince commonly called the Court of Seſſion, the members inſtead of Senators of the College of Juſtice, are ſtiled after their pedeceſſors, Lords of Council and Seſſion, and their Preſident, Lord Preſident; nine Lords make a quorum, but the King by the original erection might name three or four Peers of Parliament, who are ſtiled extraordinary Lords of Seſſion, but they make no part of the quorum, are not bound to attend, receive no ſalary; but when they are preſent, ſit and hear cauſes, and vote with the other Lords. By an act paſſed in the tenth of the late King, the crown departed from this prerogative, and after the demiſe of the extraordinary Lords then living, their places were not to be filled up. The juriſdiction and privileges of this court, were ſecured by the articles of Union, ſubject to an appeal from their deciſions to the Houſe of Peers. The Lords of Seſſion hold their office for life, or quamdiu ſe bene geſſerint. On a vacancy in the College of Juſtice, the King is to preſent a perſon duly qualified, that is one who has ſerved five years as Advocate or Clerk of Seſſion, or ten years as a writer to the Signet. Upon this, he is allowed to ſit with the Lord-ordinary while cauſes are heard before him, and he reports two or three points to the Lords in the Inner houſe; he muſt alſo report a cauſe upon a hearing in their preſence in the Inner-houſe, and give his opinion on every point. If the Lords are ſatisfied, they admit him to the office upon his taking the oaths. But if the Lords are of opinion that the perſon ſo named is not duly qualified, they are to tranſmit an account of the whole matter to his Majeſty; and if under his ſign manual, the King ſhall ſignify that it is his pleaſure the perſon ſhall notwithſtanding be received, they admit and receive him accordingly; but if the King nominates another perſon, they are to proceed to examine him as before. One of the Lords ſits in the outer Parliament-houſe, to hear all cauſes in the order they are ſet down in the books of inrollment. If the parties ſubmit to his deciſion, his decree is final, if not it is interlocutory, and either of the parties may appeal to the Lords who ſit together in the Inner-houſe, and who upon hearing the cauſe, affirm, reverſe, or alter the decree made in the Outer-houſe. Each Lord ſits in his turn a week at a time in the Outer-houſe, and is during that week ſtiled the Lord Ordinary; if the cauſes cannot be finiſhed in the week, the ſame Lord continues to ſit from nine to ten in the Outer-houſe every day, till the cauſes begun in his week are ended. The Lord Preſident and all the other Lords, ſit in the Inner-houſe every day in the week, except Sunday and Monday, during the time of Seſſions, which for the winter begin the firſt of November, and end the laſt of February, with an intermiſſion not exceeding ten days in time of Chriſtmas; and begin the firſt of June, and end the laſt of July for the ſummer ſeſſions. As to the extent of the juriſdiction of the court, all cauſes civil, that are not peculiar to other courts, may be brought before them in the firſt inſtance, provided the ſum in queſtion be above twelve pounds ſterling, and cauſes commenced in other courts, may in certain caſes be removed

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Cullen, and the ſame good qualities that recommended him to this employment were very conſpicuous in the diſcharge of it. He thought himſelf accountable to God and man for his conduct in that high office; and his deep ſenſe of his duty, at the ſame time that it kept him ſtrictly to it, encouraged and ſupported him in the performance. The pleadings in Scotland are carried on chiefly in writing, which renders them ſometimes very prolix, ſo as to take up much of a Judge's time, and to exerciſe alike his parts and his patience in going through and making himſelf maſter of them. In this the diligence and the dexterity of the Lord Cullen were equally conſpicuous, he went through every thing that came into his hand carefully, and ſifted it thoroughly, ſo that the Lawyers at the bar never found themſelves too ſtrong for the bench, but on the contrary, were told many things by his Lordſhip, which either had eſcaped their notice, or which the intereſt of their client had engaged them to conceal. As his attention to the pleadings guided him to the real merits of the cauſe, ſo when he was once maſter of theſe, his ſecond care was diſpatch. He knew that in judicature the next fault to denying was delaying juſtice, by which families are always injured, and too often ruined; whenever therefore he had provided againſt being miſtaken, he was deſirous of bringing the matter to a ſhort deciſion; and as he was very ſolicitous about the former, ſo the parties themſelves helped him not a little as to the latter. Whenever he ſat as Lord Ordinary, the paper of Cauſes was remarkably full; for his reputation being equally eſtabliſhed for knowledge and integrity, there were none who had a good opinion of their own pretenſions but were deſirous of bringing them before him, and not many who did not ſit down ſatisfied with his deciſion. This prevailed more eſpecially, after it was found that few of his ſentences were reverſed, and when they were, it was commonly owing to himſelf; for if upon mature reflection, or upon new reaſons offered at the rehearing, he ſaw any juſt ground for altering his judgment, he made no ſcruple of declaring it, being perſwaded that it was more manly as well as more juſt to follow truth than to ſupport opinion; and his conduct in this reſpect had a right effect, for inſtead of leſſening it raiſed his reputation. His experience, though it quickened his penetration, did not leſſen his diligence in the leaſt. How certain ſoever he might be of the truth of his own ſentiments, he

to and reviewed in the court of ſeſſion; and in ſome caſes, the Lords may review upon freſh matter ariſing even their own decrees. This court is both of law and equity, and may, where the Lords ſee juſt cauſe, exerciſe the ſame powers in a great meaſure that are exerciſed in England by the court of Chancery. Beſides this mixt juriſdiction, which they ſtile Officium ordinarium, this court hath alſo an extraordinary coercive power, which they call Officium nobile, which is exerted occaſionally and diſcretionally. An inſtance will explain this to every reader's capacity. When it was reſolved to levy the malt tax effectually, all the brewers in Edinburgh took a ſudden reſolution in one day to deſiſt from the exerciſe of their trade; upon this the Court of Seſſion interpoſed, and made an order, that every brewer ſhould give ſecurity to continue his buſineſs, to prevent any inconvenience happening to the publick, on pain of impriſonment. This had its effect, and the Lords received the thanks of the government. This ſhews clearly how great a truſt is repoſed in a Lord of Seſſion; what extenſive abilities, and what great attention are requiſite to the due diſcharge of the office; and therefore we need not at all wonder, that men of exact probity are ſometimes ſcrupulous of taking ſo great a burthen upon their ſhoulders.

he took great care to have all the aſſiſtance that was to be received from books, and never failed to fortify his arguments and to ſupport his reaſonings by the beſt authorities. His colleagues were ſo well aware and ſo much approved of this, that they very ſeldom decided any knotty caſe that came before them in his abſence, but rather choſe to adjourn it. We ſhall hear, ſaid they, not only our brother Cullen's own opinion, but that of all the great Lawyers upon this point. His labours in this reſpect, though he propoſed no other end in them than the promoting of juſtice, were attended with univerſal applauſe, and procured him a character, to which he had the faireſt title, of being one of the ableſt and deepeſt Lawyers of his time. He would not however, with all this great ſtock of knowledge, experience, and probity, truſt himſelf in matters of blood, or venture to decide in criminal caſes on the lives of his fellow-creatures, which was the reaſon, that, though often ſollicited, he could never be prevailed upon to accept of a ſeat in the Juſticiary Court; for though in this part of the iſland, the ſame Judges hear civil and criminal cauſes in virtue of different commiſſions, yet, it is otherwiſe in North-Britain, where criminal cauſes are heard in a different court by a certain number of Lords, ſelected for that purpoſe out of the body of the Judges, and who have an additional ſalary for that purpoſe. He was ſo true a lover of learning, and was ſo much addicted to his ſtudies, that notwithſtanding the multiplicity of his buſineſs while at the bar, and his great attention to his charge when a Judge, he nevertheleſs found time to write various treatiſes on very different and important ſubjects. Some political, which were remarkably well timed, and highly ſerviceable to the government; others of a more extenſive nature, ſuch as his eſſays on Law, Religion, and Education, which were dedicated to his preſent Majeſty when Prince of Wales, by whoſe command his then Secretary, Mr Molyneux, wrote him a letter of thanks, in which were many gracious expreſſions, as well in relation to the piece as to its author. He compoſed, beſides theſe, many diſcourſes on literary ſubjects, for the exerciſe of his own thoughts, and for the better diſcovery of truth, which went no farther then his own cloſet, and from a principle of modeſty were not communicated even to his moſt intimate friends. He had a very high opinion of Lord Viſcount Stair's Inſtitution of the Law of Scotland, and often importuned that noble perſon's ſon, the Lord Preſident Dalrymple, to publiſh a new edition of this valuable work, which that great man declined, and preſſed the ſame taſk upon him, towards which however he made no farther advances, than ſome notes in his own copy of the book, and a few occaſional collections. This deſign has been ſince executed by a gentleman who married one of Lord Cullen's daughters, in a manner that does honour to himſelf and his country [*C*]. In his private character he was

[*C*] *That does honour to himſelf and his country.*] The Viſcount of Stair's Inſtitute of the Law of Scotland was publiſhed in 1693, and was received as it deſerved with general approbation. But ſince that time, the law has undergone many alterations, and received great improvements, and therefore another ſyſtem of a like kind was very much wanted. This great work was undertaken by Andrew M'Dowal, Eſq;

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was as amiable as reſpectable in his public. There were certain circumſtances that determined him to part with an eſtate that was left him by his father; and it being foreſeen that he would employ the produce of it and the money he had acquired by his profeſſion in a new purchaſe, there were many decayed families who ſollicited him to take their lands upon his own terms, relying entirely on that equity which they conceived to be the rule of his actions. It appeared that their opinion of him was perfectly well grounded; for being at length prevailed upon to lay out his money on the eſtate of an unfortunate family, who had a debt upon it of more than it was worth, he firſt put their affairs into order, and by claſſing the different demands, and compromiſing a variety of claims, ſecured ſome thouſand pounds to the heirs without prejudice to any, and of which they had never been poſſeſſed but from his interpoſition and vigilance on their behalf; ſo far was he from making any advantage either of their neceſſities, or his own ſkill in his profeſſion. A circumſtance juſtly mentioned to his honour, and which is an equal proof of his candour, generoſity, and compaſſion. His piety was ſincere and unaffected, and his love for the Church of Scotland was ſhewn, in his recommending moderation and charity to the clergy as well as laity, and engaging the former to inſiſt upon moral duties as the cleareſt and moſt convincing proof of mens acting from religious principles, and his practice through his whole life was the ſtrongeſt argument of his being thoroughly perſwaded of thoſe truths, which from his love to mankind he laboured to inculcate. He was charitable without oſtentation, diſintereſted in his friendſhips, and beneficent to all who had any thing to do with him. He was not only ſtrictly juſt, but ſo free from any ſpecies of avarice, that his lady, who was a woman of great prudence and diſcretion, finding him more intent on the buſineſs commited to him by others than on his own, took the care of placing out his money upon herſelf; and to prevent his poſtponing, as he was apt to do, ſuch kind of affairs when ſecurities offered, ſhe cauſed the circumſtances of them to be ſtated in the form of caſes, and ſo procured his opinion upon his own concerns as if they had been thoſe of a

a gentleman perfectly acquainted with the principles of the Scotch law, and who had practiſed many years at the bar as an advocate, with great reputation; when he undertook this neceſſary and laborious taſk, he had no intention of giving it to the public in his life-time, but was at length prevailed upon by William Grant, Eſq; then Lord advocate of Scotland, to alter his intention, and accordingly the firſt volume was publiſhed in 1751, and is dedicated to his Grace the duke of Argyle, Lord Keeper of the Great Seal, Lord juſtice-General; and one of the extraordinary Lords of Seſſion, but without the author's name, which however could not be long concealed, and is therefore prefixed to the ſecond volume, which was publiſhed the year following, and dedicated to the Earl of Hardwicke, Lord High-Chancellor of Great-Britain; the third and laſt volume was publiſhed in 1753, and is dedicated to William Grant, Eſq; his Majeſty's Advocate for Scotland, to whoſe friendly advice, it is therein ſaid, if the public ſhall be profited by this work, they are indebted for the publication of it in the life-time of the author. The tittle of this work at large, runs thus:

An Inſtitute of the laws of Scotland in Civil Rights; with Obſervations upon the Agreement or Diverſity between them and the laws of England, in four books, after the general method of the Viſcount of Stair's Inſtitutions. With an Appendix, Table of contents, and two Indexes.

This great performance, ſo much wanted in and ſo very uſeful to the whole united kingdom, has been ſo generally well received, and found to be ſo accurately and ſo judicionſly performed, that the learned author has been very deſervedly promoted to be one of the Senators of the College of Juſtice.

a client. Theſe ltttle circumſtances are mentioned as more expreſſive of his temper, than actions of another kind could be; becauſe in matters of importance, men either act from habit, or from motives that the world cannot penetrate; but in things of a trivial nature are leſs upon their guard, ſhew their true diſpoſition, and ſtand confeſſed for what they are. He paſſed a long life in eaſe and honour. His ſincerity and ſteady attachment to his principles recommended him to all parties, even to thoſe who differed from him moſt; and his charity and moderation converted this reſpect into affection, ſo that not many of his rank had more friends, and perhaps none could boaſt of having fewer enemies. His death was as calm and placid as his life. His laſt illneſs continued but three days, without any violent or painful ſymptoms; notwithſtanding which, the learned Phyſicians who attended him clearly diſcerned and timely admoniſhed him that his diſſolution was at hand. He received this meſſage not only calmly but chearfully. He declared that he had followed the dictates of his conſcience, and that he was not afraid of death. He took a tender farewel of his children and friends, recommended to them earneſtly a ſteady and conſtant attachment to the faith and duty of Chriſtians, and aſſured them that true religion was the only thing that could bring a man peace at the laſt. He expired ſoon after, quietly and without any agony, March 16. 1726, in the ſixty-ſixth year of his age He left behind him three ſons and five daughters; his eldeſt ſon, Archibal Grant, Eſq; ſerved in his father's life-time for the ſhire of Aberdeen, and becoming by his demiſe Sir Archibald grant, Baronet, ſerved again for the ſame county in 1727; his ſecond ſon, William Grant, Eſq; followed his father's profeſſion, was for ſeveral years Lord-Advocate for Scotland, and is at preſent one of the Lords of Seſſion, by the tittle of Lord Preſton Grange: Mr Francis Grant, the third ſon, is a merchant; three of the daughters are married to gentlemen of fortune, and the two youngeſt are ſtill unmaried. Mr Alexander Niſbet gives us the following account of the arms born by this honourable perſon, in his Syſtem of Heraldry. Sir Francis Grant of Cullen, Bart. one of the Senators of the College of Juſtice, carries Gules, three antique crowns, Or, as deſcended from Grant of That-Ilk, within a border, ermine, in quality of a Judge, ſupported with two Angels proper,: creſt, a book expanded. Motto, on an eſcrol above, *Suum cuique*, and on a compartment below, *Jehovah-jireh*, as by a ſpecial warrant under his Majeſty's hand the 17th day of May, 1720.

FINIS.